

FILE #10
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PETITION TO CONSIDER CORRESPONDENCE FILED IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE UNDER 37 CFR 1.10

APPLICANT: Schwalke, et al. DOCKET NO: P99,2666
SERIAL NO.: 09/462,994 ART UNIT: 2823
FILED: January 14, 2000 EXAMINER: B. Kebede
TITLE: Integrated Circuit Arrangement and Method for the Manufacture
Thereof

Commissioner of Patents and Trademarks,
Washington, D.C. 20231

Dear Sir:

Applicants file this petition pursuant to 37 CFR 1.10(e).

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Statement of Facts

The attached Preliminary Amendment for the above-identified utility patent application was originally filed with the United States Patent and Trademark Office on January 14, 2000 as evidenced by the attached copies of the following documents:

- Express Mail Label Number EL497037130US indicating a January 14, 2000 mailing date;
- Certificate of Mailing by Express Mail indicating the date January 14, 2000, and identifying the inclusion of a Preliminary Amendment;
- Stamped postcard by the USPTO indicating receipt of items including a Preliminary Amendment and dated January 14, 2000; and
- Notification of Acceptance mailed March 7, 2000 and indicating receipt of a Preliminary Amendment filed January 14, 2000.

The original deposit of the correspondence and the copies of the correspondence contained herein are identical. The copy of the Express Mail mailing label and the official notation entered by the USPS are true copies.

This petition was promptly filed after applicants became aware that the Office did not have a copy of the missing Preliminary Amendment, as indicated in the Office Action mailed January 2, 2002 and received by applicants' representative January 9, 2002.

APPLICANT HEREBY PETITIONS THAT:

- 1) THE PRELIMINARY AMENDMENT SUBMITTED WITH THIS PETITION BE
CONSIDERED AS FILED IN THE OFFICE ON THE USPS DEPOSIT DATE OF JANUARY 14, 2000;

2) THE EXAMINER REMOVE THE FINALITY OF THE LAST OFFICE ACTION DATED JANUARY 2, 2002 AND PROVIDE AN OFFICE ACTION THAT INCORPORATES THE PRELIMINARY AMENDMENT LOST BY THE PATENT OFFICE.

Applicants believe that all requirements have been met with this petition, and respectfully request that the petition be granted.

It is believed that since the loss of these papers is the fault of the Patent Office, no fee is required for this petition; however, if the Commissioner finds that a fee is due, the Commissioner is authorized to charge any such fees to account no. 50-1519.

Respectfully submitted,

Mark Bergner (Reg. No. 45,877)

Mark Bergner
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on February 1, 2002.

Mark Bergner
Attorney for Applicants

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